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PHUONG, DAI	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/668,687	RADPOUR, ASSAD	
	Examiner	Art Unit	
	DAI A. PHUONG	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 August 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6-8,31,47-51 and 53-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6-8,31,47-51 and 53-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Argument

1. Applicant's arguments, filed 08/25/2010, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claims 4-5, 9-30, 32-46 and 52 have been canceled; and claims 1-3, 6-8, 31, 47-51 and 53-60 are currently pending.

The Examiner respectfully notes that the scope of independent claims 1, 54 and 59 have been changed as the Applicant currently amends the claims by adding newly limitations. Therefore, the Examiner now relies on a new reference, KUNG et al. (Pub. No.: 2003/0133558), for the teachings of the newly limitations, e.g., the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality_ of service.

A. Claims 1-3, 5-8 and 31 are Allowable

Applicant, on pages 9-10 of the remark, argues that the cited portions of the above-cited references do not disclose or suggest the specific combination of claim 1. For example, the cited portions of Moore, Gallagher, Raffel, Hsu, and Amos fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality_ of service, as in claim 1. Additionally, the cited portions of Moore, Hsu and Amos are silent as to enforcing a quality of service. Therefore, the cited portions of Moore, Hsu, and Amos, individually or in combination, fail to disclose or suggest at least one element of claim 1. Hence, claim 1 is allowable. Claims 2-3, 5-8, and 31 are

allowable, at least by virtue of depending from an allowable claim. However, the Examiner respectfully disagrees.

Moore discloses a voice conversion module (Fig. 4, gateway interface 120 and/or transceiver 130) configured to convert voice communication (calls) to data packets (IP data) to be communicated using the wireless data network protocol to the wireless network base station (VoIP telephone network 20). For example, Moore, JR. discloses in paragraph 33 that the mobile handset 10 is able to communicate telephone traffic and telephone call to and from the VoIP telephone network 25. Moreover, Moore, JR. discloses in paragraph 37 that the mobile handset 10 communicates with the VoIP telephone network 25 using wireless data network protocol, e.g., Bluetooth.TM. wireless network, an IEEE 802.11b wireless network, an IEEE 802.11a wireless network, an IEEE 802.11g wireless network, an IEEE 802.11h wireless network. In addition, Moore, JR. discloses in paragraph 42 that when the mobile handset 10 is in the range of the local network 15**, it performs all IP data communications via the local network 15 to the VoIP gateway 20**. Furthermore, Moore, JR. discloses in paragraph 44 a gateway interface 120 is provided for communicating with a local network of a VoIP gateway of the VoIP telephone network (as shown in FIGS. 1-3). A transceiver 130 enabled for communication with the mobile telephone network and the VoIP telephone network is provided. Additionally, Moore, JR. discloses that the processor 110 may enable forwarding telephone calls from the mobile telephone network 30 to the VoIP telephone network 25 by first requesting the telephone number of the VoIP gateway 20, and then sending a command to the mobile telephone network 30 instructing the mobile telephone network 30 to forward incoming telephone calls to the telephone number of the VoIP gateway 20 via the VoIP telephone network 25. Moreover,

Moore, JR. discloses in paragraph 54 that calls may be processed between the handset 10 and the VoIP Gateway 20 using the Bluetooth.TM. Cordless Phone Profile. According to these passages above, Moore, JR. discloses the mobile hand 10 includes a gateway interface 120 and/or transceiver 130 (voice conversion module) configured to convert voice communication (calls) to data packets (IP data) to be communicated using the wireless data network protocol (Bluetooth and/or wireless network) to the VoIP telephone network 25(the wireless network base station).

However, Moore does not teach the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 1.

On the other hand, the Examiner now relies on the new reference, KUNG et al. (Pub. No.: 2003/0133558), for the teachings providing a higher priority to the data packets with respect to other data packets in order to enforce a quality_ of service. For instant, KUNG et al. disclose in paragraph 41 that IP packets traveling through the IP network provide for priority so that, for example, voice packets are given priority over data packets to maintain certain VoIP telephony QoS requirements). Therefore, the Examiner contends that the combined of references shows all limitations in the claim.

Dependent claims 2-3, 5-8, and 31 are also rejected, at least by virtue of depending on claim 1.

B. Claim 47 is Allowable

Applicant, on pages 11-12 of the remark, argues that claim 47 depends from claim 1. As explained above, the cited portions of Moore, Gallagher, Raffel, Hsu, and Amos fail to disclose

at least on element of claim 1. The cited portions of Carr fail to disclose or suggest those elements of claim 1 not disclosed or suggested by the cited portions of Moore, Gallagher, Raffel, Hsu, and Amos. For example, the cited portions of Carr fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 1. In Carr, P-ON ALERT and P-OFF ALERT settings are indicative of whether a user wishes to be prompted to decide at power on and power oft, respectively, if call forwarding should be deactivated or activated, respectively. See Carr, Col. 10, lines 21-25. The cited portions of Carr describe settings that indicate whether the user should be prompted about call forwarding at power on and power off. The cited portions of Carr fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 1, from which claim 47 depends. Hence, claim 47 is allowable. However, the Examiner respectfully disagrees.

Firstly, as previously mentioned, Moore discloses a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station. On the other hand, the new reference, KUNG et al., disclose in paragraph 41 to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service. Therefore, the combined of

references show all limitations in the claim. Claim 47 is also rejected because the claim is dependent on claim 1.

Secondly, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

C. Claim 48 is Allowable

Applicant, on pages 12-13 of the remark, argues that claim 48 depends from claim 1. As explained above, the cited portions of Moore, Gallagher, Raffel, Hsu, and Amos fail to disclose at least one element of claim 1. The cited portions of Byrne fail to disclose or suggest those elements of claim 1 not disclosed or suggested by the cited portions of Moore, Gallagher, Raffel, Hsu, and Amos. For example, the cited portions of Byrne fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 1. Byrne describes a radio telephone capable of being operated in more than one radio telephone system, comprising communication means respectively associated with each of the more than one radio telephone system, monitoring means for monitoring signals of the more than one radio telephone system, and selection means responsive to said monitoring means for automatically selecting and re-selecting respective said communication means in accordance with the signals of one of the more

than one radio telephone system fulfilling at least one predetermined criterion. See Byme, Abstract. Thus, Byrne describes a radio telephone capable of being operated in more than one radio telephone system. The cited portions of Byrne fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 1, from which claim 48 depends. Hence, claim 48 is allowable. However, the Examiner respectfully disagrees.

Firstly, as previously mentioned, Moore discloses a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station. On the other hand, the new reference, KUNG et al., disclose in paragraph 41 to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service. Therefore, the combined of references show all limitations in the claim. Claim 48 is also rejected because the claim is dependent on claim 1.

Secondly, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

D. Claim 49 and 50 are Allowable

Applicant, on page 13-14, argues that the cited portions of Miyakoshi fail to disclose or suggest those elements of claim 1 not disclosed or suggested by the cited portions of Moore, Gallagher, Raffel, Hsu, and Amos. For example, the cited portions of Miyakoshi fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 1. Miyakoshi describes a portable information terminal that relates stored data in a mobile telephone to a base station code and retrieves and presents the stored data when the mobile telephone receives the base station code. See Miyakoshi, Abstract. The cited portions of Miyakoshi fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality Of service, as in claim 1, from which claims 49 and 50 depend. Hence, claims 49 and 50 are allowable. However, the Examiner respectfully disagrees.

Firstly, as previously mentioned, Moore discloses suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station. On the other hand, the new reference, KUNG et al., disclose in paragraph 41 to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service. Therefore, the combined of references show all limitations in the claims. Claims **49 and 50 are** also rejected because the claim is dependent directly or indirectly on claim 1.

Secondly, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

E. Claim 51 is Allowable

Applicant, on page 14-15, argues that the cited portions of Blatherwick fail to disclose or suggest the elements of claim 1 not disclosed or suggested by the cited portions of Moore, Gallagher, Raffel, Hsu, Amos, and Miyakoshi. For example, the cited portions of Blatherwick fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 1. In Blatherwick, if a user selects a service associated with a first access point, a program, without further input from the user, connects with the access point, provides the access point with the user's password and user ID, if necessary, as well as access point specific network configuration parameters and launches the selected service. See Blatherwick, Abstract. In Blatherwick, if the user then selects another service associated with the same access point, the program, without further input from the user, launches the other service. See Blatherwick, Abstract. In Blatherwick, if the user selects a service associated with a second access point, if a second communication link is available, the program, without further input from the user, connects with the second access point, provides any necessary password, user ID and network configuration

parameters to the access point and launches the service. See Blatherwick, Abstract. The cited portions of Blatherwick fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 1, from which claim 51 depends. Hence, claim 51 is allowable. However, the Examiner respectfully disagrees.

Firstly, as previously mentioned, Moore discloses suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station. On the other hand, the new reference, KUNG et al., disclose in paragraph 41 to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service. Therefore, the combined of references show all limitations in the claims. Claim 51 is also rejected because the claim is dependent directly or indirectly on claim 1.

Secondly, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

G. Claims 54-57 are Allowable

Applicant, on page 15-16, argues that the cited portions of Moore, Gallagher, Raffel, Choksi, and Hsu, individually or in combination, do not disclose or suggest the specific

combination of claim 54. For example, the cited portions of Moore, Gallagher, Raffel, Choksi, and Hsu fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 54. However, The Examiner respectfully disagrees.

Moore discloses a voice conversion module (Fig. 4, gateway interface 120 and/or transceiver 130) configured to convert voice communication (calls) to data packets (IP data) to be communicated using the wireless data network protocol to the wireless network base station (VoIP telephone network 20). For example, Moore, JR. discloses in paragraph 33 that the mobile handset 10 is able to communicate telephone traffic and telephone call to and from the VoIP telephone network 25. Moreover, Moore, JR. discloses in paragraph 37 that the mobile handset 10 communicates with the VoIP telephone network 25 using wireless data network protocol, e.g., Bluetooth.TM. wireless network, an IEEE 802.11b wireless network, an IEEE 802.11a wireless network, an IEEE 802.11g wireless network, an IEEE 802.11h wireless network. In addition, Moore, JR. discloses in paragraph 42 that when the mobile handset 10 is in the range of the local network 15**, it performs all IP data communications via the local network 15 to the VoIP gateway 20**. Furthermore, Moore, JR. discloses in paragraph 44 a gateway interface 120 is provided for communicating with a local network of a VoIP gateway of the VoIP telephone network (as shown in FIGS. 1-3). A transceiver 130 enabled for communication with the mobile telephone network and the VoIP telephone network is provided. Additionally, Moore, JR. discloses that the processor 110 may enable forwarding telephone calls

from the mobile telephone network 30 to the VoIP telephone network 25 by first requesting the telephone number of the VoIP gateway 20, and then sending a command to the mobile telephone network 30 instructing the mobile telephone network 30 to forward incoming telephone calls to the telephone number of the VoIP gateway 20 via the VoIP telephone network 25. Moreover, Moore, JR. discloses in paragraph 54 that calls may be processed between the handset 10 and the VoIP Gateway 20 using the Bluetooth.TM. Cordless Phone Profile. According to these passages above, Moore, JR. discloses the mobile hand 10 includes a gateway interface 120 and/or transceiver 130 (voice conversion module) configured to convert voice communication (calls) and data packets (IP data) to be communicated using the wireless data network protocol (Bluetooth and/or wireless network) to the VoIP telephone network 25(the wireless network base station).

However, Moore does not teach the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality_ of service.

On the other hand, the Examiner now relies on the new reference, KUNG et al. (Pub. No.: 2003/0133558), for the teachings providing a higher priority to the data packets with respect to other data packets in order to enforce a quality_ of service. For instant, KUNG et al. disclose in paragraph 41 that IP packets traveling through the IP network provide for priority so that, for example, voice packets are given priority over data packets to maintain certain VoIP telephony QoS requirements). Therefore, the Examiner contends that the combined of references shows all limitations in the claim.

Applicant, on page 16, argues that the cited portions of Moore, Gallagher, Raffel, and Hsu are silent as to enforcing a quality of service, as in claim 54. Choksi describes a method and system for detecting a wireless network that includes receiving at a mobile device a signal having data indicative of a location of the mobile device. See Choksi, Abstract. In Choksi, a determination is made whether the mobile device is within the coverage area of a specified network based on the data. See Choksi, Abstract. In Choksi, the mobile device scans for the specified network in response to at least determining that it is within the coverage area of the specified network. See Choksi, Abstract. The cited portions of Choksi fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 54. Therefore, the cited portions of Moore, Gallagher, Raffel, Choksi, and Hsu, individually or in combination, fail to disclose or suggest at least one element of claim 54. Hence, claim 54 is allowable. Claims 55-57 are allowable, at least by virtue of depending from an allowable claim. However, the Examiner respectfully disagrees.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Dependent claims 55-57 are also rejected, at least by virtue of depending on claim 54.

H. Claim 58 is Allowable

Applicant, on page 17, argues that the cited portions of Yegoshim fail to disclose or suggest the elements of claim 54 not disclosed or suggested by the cited portions of Moore, Gallagher, Raffel, Choksi, and Hsu. For example, the cited portions of Yegoshim fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 54. Yegoshim describes a communication system for an organization having multiple sites that uses a dual-mode device capable of both cell phone communication and telephone communication on a local area network (LAN). See Yegoshim, Abstract. In Yegoshim, Internet Protocol (IP) LANs are established at organization sites such that a temporary IP address is assigned to a dual-mode device that logs onto an organization LAN, and the IP address is associated at a PSTN-connected server on the LAN with the cell phone number of the communication device. See Yegoshim, Abstract. The IP server notifies a PSTN-connected routing server when a device logs on to a LAN, and also provides a destination number for the IP server. See Yegoshim, Abstract. The cited portions of Yegoshim fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 54, from which claim 58 depends. Hence, claim 58 is allowable. However, the Examiner respectfully disagrees.

Firstly, as previously mentioned, Moore discloses suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station. On the other hand, the new reference, KUNG et al., disclose in paragraph 41 to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service. Therefore, the combined of references show all limitations in the claims. Claim 58 is also rejected because the claim is dependent on claim 54.

Secondly, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

I. Claims 59 and 60 are Allowable

Applicant, on page 18, argues that the cited portions of Moore, Gallagher, Raffel, and Amos, individually or in combination, do not disclose or suggest the specific combination of claim 59. As explained above, the cited portions of Moore, Gallagher, Raffel, and Amos fail to disclose or suggest a voice conversion module configured to convert voice communication to data packets to be communicated using a wireless data network protocol to a wireless network base station, the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality of service, as in claim 59. Hence, claim 59 is allowable. Claim 60 is allowable, at least by virtue of depending from an allowable claim. However, The Examiner respectfully disagrees.

Moore discloses a voice conversion module (Fig. 4, gateway interface 120 and/or transceiver 130) configured to convert voice communication (calls) to data packets (IP data) to be communicated using the wireless data network protocol to the wireless network base station (VoIP telephone network 20). For example, Moore, JR. discloses in paragraph 33 that the mobile handset 10 is able to communicate telephone traffic and telephone call to and from the VoIP telephone network 25. Moreover, Moore, JR. discloses in paragraph 37 that the mobile handset 10 communicates with the VoIP telephone network 25 using wireless data network protocol, e.g., Bluetooth.TM. wireless network, an IEEE 802.11b wireless network, an IEEE 802.11a wireless network, an IEEE 802.11g wireless network, an IEEE 802.11h wireless network. In addition, Moore, JR. discloses in paragraph 42 that when the mobile handset 10 is in the range of the local network 15, **it performs all IP data communications via the local network 15 to the VoIP gateway 20**. Furthermore, Moore, JR. discloses in paragraph 44 a gateway interface 120 is provided for communicating with a local network of a VoIP gateway of the VoIP telephone network (as shown in FIGS. 1-3). A transceiver 130 enabled for communication with the mobile telephone network and the VoIP telephone network is provided. Additionally, Moore, JR. discloses that the processor 110 may enable forwarding telephone calls from the mobile telephone network 30 to the VoIP telephone network 25 by first requesting the telephone number of the VoIP gateway 20, and then sending a command to the mobile telephone network 30 instructing the mobile telephone network 30 to forward incoming telephone calls to the telephone number of the VoIP gateway 20 via the VoIP telephone network 25. Moreover, Moore, JR. discloses in paragraph 54 that calls may be processed between the handset 10 and the VoIP Gateway 20 using the Bluetooth.TM. Cordless Phone Profile. According to these passages

above, Moore, JR. discloses the mobile hand 10 includes a gateway interface 120 and/or transceiver 130 (voice conversion module) configured to convert voice communication (calls) and data packets (IP data) to be communicated using the wireless data network protocol (Bluetooth and/or wireless network) to the VoIP telephone network 25(the wireless network base station).

However, Moore does not teach the wireless network base station to provide a higher priority to the data packets with respect to other data packets in order to enforce a quality_ of service.

On the other hand, the Examiner now relies on the new reference, KUNG et al. (Pub. No.: 2003/0133558), for the teachings providing a higher priority to the data packets with respect to other data packets in order to enforce a quality_ of service. For instant, KUNG et al. disclose in paragraph 41 that IP packets traveling through the IP network provide for priority so that, for example, voice packets are given priority over data packets to maintain certain VoIP telephony QoS requirements). Therefore, the Examiner contends that the combined of references shows all limitations in the claim.

Dependent claim 60 is also rejected, at least by virtue of depending on claim 59.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3, 5-8 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, JR. (Pub. No.: 20030039242) in view of Hsu (U.S. 6993363) and further in view of Amos (Pub. No.: 20040259544) and further in view of KUNG et al. (Pub. No. 20030133558).

Regarding claim 1, Moore, JR. discloses a mobile communication device 100 (fig. 1 and fig. 4, mobile handset 10) comprising:

a mobile telephony circuitry 130 (see Fig. 4, transceiver 130) configured to communicate with a mobile telephony network (see Fig. 1, mobile network 30) using a mobile communication protocol (using mobile communication protocol, e.g., the iDEN Network, TDMA, CDMA, CDMA-2000, GSM, and the like) (*see fig. 1 below; [0018] to [0021]; [0029] and [0044]. Moore, JR. discloses in paragraph 29 that if the handset 10 is outside of the range of the local network 15, data traffic may be routed to and from the handset 10 via the mobile telephone network 30. Furthermore, Moore, JR. discloses in paragraph 29 that the handset 10 communicates with the mobile telephone network 30 by using mobile communication protocol, e.g., the iDEN Network, TDMA, CDMA, CDMA-2000, GSM, and the like. Additionally, Moore, JR. discloses in paragraph 44 "A transceiver 130 enabled for communication with the mobile telephone network and the VoIP telephone network is provided*"),

the mobile telephony circuitry (see Fig. 4, transceiver 130) associated with a first telephone number (a telephone number of the mobile handset 10 via the mobile telephone network 30 *)([0034]. Moore, JR. discloses in paragraph 34 that the handset may 10 send a command to the VoIP telephone network 25 instructing the VoIP telephone network 25 to*

forward incoming telephone calls to a telephone number of the mobile handset 10 via the mobile telephone network 30);

a service request module (see Fig. 4, processor 110) configured to determine proximity to a wireless network base station (Fig. 1; VoIP telephone network 20) (*see fig. 1 below, [0044]. Moore, JR. discloses that a transceiver 130 enabled for communication with the mobile telephone network and the VoIP telephone network is provided. A processor 110 is provided for determining whether the mobile handset 10 is within range of the local network. If the handset 10 is within the range of the local network, data traffic may be routed to and from the handset 10 via the VoIP telephone network*") **associated with a landline phone (***any other phones wired into the VoIP gateway 20 on that line***) associated with a second telephone number** (*the telephone number of the VoIP gateway 20)* **that is different than the first telephone number** *([0032] to [0035] and [0054]. Moore, JR. discloses to enable the forwarding of telephone calls from the mobile telephone network 30 to the VoIP telephone network 25, the handset 10 may first request the telephone number of the VoIP gateway 20 (e.g., over local network 15), and then send a command to the mobile telephone network 30 instructing the mobile telephone network 30 to forward incoming telephone calls to the telephone number of the VoIP gateway 20 via the VoIP telephone network 25. Furthermore, Moore, JR. discloses in paragraph 35 that once within range of the local network 15, the mobile handset 10 and the VoIP gateway 20 enter "cordless phone" mode. In this mode, the mobile handset is associated with one of the telephone numbers associated with the VoIP gateway 20. This telephone number is be the same phone number that the handset 10 instructed the mobile network to forward incoming telephone calls to. Incoming telephone calls for that phone number result in ringing of*

the mobile handset 10, as well as any other phones wired into the VoIP gateway 20 on that line. Calls can be received or initiated on that line with either the mobile handset 10 or the wired phones connected to that line. Incoming calls to either the mobile handset's phone number or the VoIP gateway's phone number will result in ringing of all phones connected to that VoIP line, including the mobile handset 10. According to these passages above, the telephone number of the mobile handset 10 via the mobile telephone network 30 is different than the telephone number of the VoIP gateway 20*),*

the wireless network base station configured for voice communication between the mobile communication and the landline telephone ([0031] to [0035]. *Moore, JR. discloses in paragraph 35 that once within range of the local network 15, the mobile handset 10 and the VoIP gateway 20 enter "cordless phone" mode. In this mode, the mobile handset is associated with one of the telephone numbers associated with the VoIP gateway 20. This telephone number is be the same phone number that the handset 10 instructed the mobile network to forward incoming telephone calls to. Incoming telephone calls for that phone number result in ringing of the mobile handset 10, as well as any other phones wired into the VoIP gateway 20 on that line. Calls can be received or initiated on that line with either the mobile handset 10 or the wired phones connected to that line. Incoming calls to either the mobile handset's phone number or the VoIP gateway's phone number will result in ringing of all phones connected to that VoIP line, including the mobile handset 10),*

the service request module configured to establish a communication path via the wireless data network protocol (Bluetooth.TM. wireless network, an IEEE 802.11 protcol *)* (*see fig. 1 below; [0037], [0044] and [0054]. Moore, JR. discloses in paragraph 37 that the local network*

15 may comprise at least one of a Bluetooth.TM. wireless network, an IEEE 802.11b wireless network, an IEEE 802.11a wireless network, an IEEE 802.11g wireless network, an IEEE 802.11h wireless network, an IEEE 802.11e wireless network. Moreover, Moore, JR. discloses in paragraph 54 that in accordance the invention for integrating mobile handsets with an HFC-based VoIP gateway for residential use may utilize Bluetooth.TM. wireless protocol to connect the handset 10 to the VoIP gateway 20. When the handset 10 detects the presence of a Bluetooth.TM. access point, it attempts to connect to it),

wherein calls addressed to the mobile communication device (mobile handset 10) via the mobile telephony network (mobile network 30) are forwarded to the mobile communication device (mobile handset 10) via the wireless network base station (VoIP telephone network 25) while the mobile communication device (mobile handset 10) is within the range the wireless network base station (VoIP telephone network 25) (*see fig. 1 below, [0029, [0044] and [0047]. Moore, JR. discloses "The mobile handset 10 is enabled to determine whether it is within range of the local network 15. If the handset 10 is within the range of the local network 15, data traffic may be routed to and from the handset 10 via the VoIP telephone network 25". Additionally, Moore, JR. discloses in paragraph 44 "A processor 110 is provided for determining whether the mobile handset 10 is within range of the local network. If the handset 10 is within the range of the local network, data traffic may be routed to and from the handset 10 via the VoIP telephone network*), and

wherein the wireless network base station (VoIP gateway 20, Fig. 3) is configured to send a call control message to a registration system (IP Network 50, Fig. 3) associated with the mobile telephony network (mobile network 30) via a modem (cable modem 22) *(Fig. 3, [0038]-[0041].*

Moore, JR. discloses that the handset 10 may dynamically assigned a new IP address on an IP subnet of the VoIP gateway 20. IP network domain name servers (DNS) 58 may be dynamically updated with a new mapping of a Fully Qualified Domain Name (DQDN) for the new IP address of the handset 10. Furthermore, Moore, JR. discloses in Figure. 5 and paragraph 52 that the mobile telephone network 30 and the VoIP network 25 may both be configured to route telephony data traffic to the PSTN network 40 and IP data traffic to the IP network 50);

a voice conversion module (Fig. 4, gateway interface 120 and/or transceiver 130) configured to convert voice communication (calls) and data packets (IP data) to be communicated using the wireless data network protocol to the wireless network base station (VoIP telephone network 20) (*Moore, JR. discloses in paragraph 33 that the mobile handset 10 is able to communicate telephone traffic and telephone call to and from the VoIP telephone network 25. Moreover, Moore, JR. discloses in paragraph 37 that the mobile handset 10 communicates with the VoIP telephone network 25 using wireless data network protocol, e.g., Bluetooth.TM. wireless network, an IEEE 802.11b wireless network, an IEEE 802.11a wireless network, an IEEE 802.11g wireless network, an IEEE 802.11h wireless network. Therefore, the mobile handset, a transceiver 130, is able to convert between voice communication and data packets to transmit to the wireless network base station. In addition, Moore, JR. discloses in paragraph 42 that when the mobile handset 10 is in the range of the local network 15, it performs all IP data communications via the local network 15 to the VoIP gateway 20. Furthermore, Moore, JR. discloses in paragraph 44 a gateway interface 120 is provided for communicating with a local network of a VoIP gateway of the VoIP telephone network (as shown in FIGS. 1-3). A transceiver 130 enabled for communication with the mobile telephone network*

and the VoIP telephone network is provided. Additionally, Moore, JR. discloses that the processor 110 may enable forwarding telephone calls from the mobile telephone network 30 to the VoIP telephone network 25 by first requesting the telephone number of the VoIP gateway 20, and then sending a command to the mobile telephone network 30 instructing the mobile telephone network 30 to forward incoming telephone calls to the telephone number of the VoIP gateway 20 via the VoIP telephone network 25. Moreover, Moore, JR. discloses in paragraph 54 that calls may be processed between the handset 10 and the VoIP Gateway 20 using the Bluetooth.TM. Cordless Phone Profile. According to these passages above, Moore, JR. discloses the mobile hand 10 includes a gateway interface 120 and/or transceiver 130 (voice conversion module) configured to convert voice communication (calls) and data packets (IP data) to be communicated using the wireless data network protocol (Bluetooth and/or wireless network) to *the VoIP telephone network 25(* the wireless network base station).

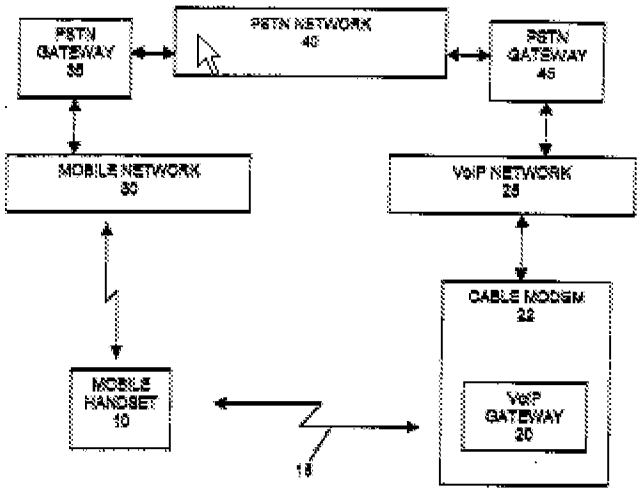

FIG. 1

However, Moore, JR. does not disclose "configured to periodically send a session continuation request to the wireless network base station after the communication path is established to maintain the communication path and the wireless network base station periodically received the session continuation request; and a power circuitry configured to selectively power the mobile telephony circuitry and the service request module, wherein the mobile telephony circuitry is powered when the mobile communication device is out of range of the wireless network base station, and wherein the service request module is powered when the mobile communication device is within range of the wireless network base station; and the wireless network base station to provide a higher priority to the data packets with respects to other data packets in order to enforce a quality of service".

In an analogous art, Hsu discloses the mobile handset 5 configures to periodically send a session continuation request (keep-alive) to the wireless network base station (network 3) after the communication path is established to maintain the communication path and the wireless network base station periodically received the session continuation request *(fig. 1, col. 2, lines 40-57 and col. 5, lines 10-24. Hsu discloses that the mobile station 5 registers with the network 3. Once registered, the mobile station 5 periodically sends messages to the network 3 over the uplink access channel, to maintain its registered station)*.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Moore, JR. by specifically including the mobile handset 5 configures to periodically send a session continuation request (keep-alive) to the wireless network base station (network 3) after the communication path is established to maintain the communication path and the wireless network base station periodically received the

session continuation request, as taught by Hsu, the motivation being in order to inform the network that the mobile handset is still maintained its registration with the network.

However, the combination of Moore, JR. and Hsu do not disclose "a power circuitry configured to selectively power the mobile telephony circuitry and the service request module, wherein the mobile telephony circuitry is powered when the mobile communication device is out of range of the wireless network base station, and wherein the service request module is powered when the mobile communication device is within range of the wireless network base station and the wireless network base station to provide a higher priority to the data packets with respects to other data packets in order to enforce a quality of service".

In the same field of endeavor, Amos discloses a wireless handset 100 includes a power circuitry configured 106 (phone microprocessor) to selectively power the mobile telephony circuitry 102 (802.11x transceiver 102) and the service request module 104 (Bluetooth transceiver 104) ([0030]. Amos discloses "The wireless handset 100 contains both an 802.11x transceiver 102 and a Bluetooth transceiver 104. The 802.11x transceiver 102 is operatively coupled to the microprocessor 106"), wherein the mobile telephony circuitry 102 (802.11x transceiver 102) is powered when the mobile communication device is out of range of the wireless network base station 200 *([0039]. Amos discloses "The wireless handset 100 will remain in the 802.11 use state 406 provided that voice data traffic continues 410 to be received. Upon the detection of a Bluetooth link 414, the wireless handset 100 will leave the 802.11 use state 406 and return to the Bluetooth use state 404")*, and

wherein the service request module 104 (Bluetooth transceiver 104) is powered when the mobile communication device is within range of the wireless network base station 200 *([0039]. Amos discloses "Upon the detection of a Bluetooth link 414, the wireless handset 100 will leave the 802.11 use state 406 and return to the Bluetooth use state 404").*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Moore, JR. by specifically including a power circuitry configured to selectively power the mobile telephony circuitry and the service request module, wherein the mobile telephony circuitry is powered when the mobile communication device is out of range of the wireless network base station, and wherein the service request module is powered when the mobile communication device is within range of the wireless network base station, as taught by Amos, the motivation being in order to save extend lifetime of a battery and save network's resources.

However, the combination of Moore, JR. and Hsu and Amos do not disclose "the wireless network base station to provide a higher priority to the data packets with respects to other data packets in order to enforce a quality of service".

In the same field of endeavor, Kung et al. disclose to provide a higher priority to the data packets with respects to other data packets in order to enforce a quality of service ([0041]. Kung et al. disclose IP packets traveling through the IP network provide for priority so that, for example, voice packets are given priority over data packets to maintain certain VoIP telephony QoS requirements).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Moore, JR. by specifically including provide a higher priority to the data packets with respects to other data packets in order to enforce a quality of service, as taught by KUNG et al., the motivation being in order to prevent minimum delays, maintaining and increasing voice quality.

Regarding claim 2, the combination of Moore, JR., Hsu, Amos and Kung disclose all limitation in claim 1. Furthermore, Moore, JR. discloses the mobile communication device wherein the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network after the mobile communication device initiates establishing the communication path to the wireless network base station ([0038] to [0041] and [0050]-[0052]. After detecting and commanding to forward calls to the VoIP gateway, the mobile updates a new IP address and the server also updates the new IP address via the VoIP gateway. Moreover, Amos discloses in paragraph 37 that the Voice-over-Internet-Protocol packets arrive at the phone controller 302, they are directed either over a wired local area network connection 308 to the base station 200, or routed to the access point 304 via the backbone 306. Depending upon the location of the wireless handset 100, the phone controller 302 will direct the incoming Voice-over-Internet-Protocol packets to either the base station 200 or the access point 304. When the wireless handset 100 is within range of the base station 200, within the wireless personal area network 310, a signal is sent to the controller 302 indicating that transmission of incoming and outgoing Voice-over-Internet-Protocol packets should be sent over the wired local area connection 308).

Regarding claim 3, the combination of Moore, JR., Hsu, Amos and Kung disclose all limitation in claim 2. Further, Amos discloses the mobile communication device wherein the call control message establishes redirection of calls addressing the mobile communication device via the mobile telephony network to a public switched telephone network address associated with the wireless network base station ([0037]. Wherein the Voice-over-Internet-Protocol packets arrive at the phone controller 302, they are directed either over a wired local area network connection 308 to the base station 200, or routed to the access point 304 via the backbone 306. Depending upon the location of the wireless handset 100, the phone controller 302 will direct the incoming Voice-over-Internet-Protocol packets to either the base station 200 or the access point 304. When the wireless handset 100 is within range of the base station 200, within the wireless personal area network 310, a signal is sent to the controller 302 indicating that transmission of incoming and outgoing Voice-over-Internet-Protocol packets should be sent over the wired local area connection 308).

Regarding claim 6, the combination of Moore, JR., Hsu, Amos and Kung disclose all limitation in claim 1. Further, Moore, JR. discloses the mobile communication device wherein the wireless data network protocol includes a Bluetooth-based protocol ([0037]).

Regarding claim 7, the combination of Moore, JR., Hsu, Amos and Kung disclose all limitation in claim 1. Further, Moore, JR. discloses the mobile communication device wherein the mobile communication protocol is associated with at least one of Global System for Mobile communications (GSM), General Packet Radio Service (OPRS), Universal Mobile Telecommunications System ('UMTS), and CDMA2000/CDMAOne ([0020]-[0021]).

Regarding claim 8, the combination of Moore, JR., Hsu, Amos and Kung disclose all limitation in claim 1. Further, Moore, JR. discloses the mobile communication device wherein the voice communication between the mobile communication device and the wireless network base station is communicated as Voice-over-IP using the data packets ([0029] to [0031]).

Regarding claim 31, the combination of Moore, JR., Hsu, Amos and Kung disclose all limitation in claim 29. Furthermore, Moore, JR. discloses the mobile communication device wherein the modem includes a digital subscriber line (DSL) modem ([0025]).

Regarding claim 53, the combination of Moore, JR., Hsu, Amos and Kung disclose all limitation in claim 1. Furthermore, Moore, JR. disclose the mobile communication device wherein the voice conversion module converts between voice communications and Voice over Interact Protocol (VoIP) data packets ([0029]). However, the combination of Moore, JR., Hsu, Amos and Kung do not disclose wherein the wireless network base station gives the VoIP data packets higher priority than other data packets.

In the same field of endeavor, Kung et al. disclose the VoIP data packets higher priority than other data packets ([0041]. Kung et al. disclose IP packets traveling through the IP network provide for priority so that, for example, voice packets are given priority over data packets to maintain certain VoIP telephony QoS requirements).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Moore, JR. by specifically including the VoIP data packets higher priority than other data packets, as taught by KUNG et al., the motivation being in order to prevent minimum delays, maintaining and increasing voice quality.

4. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, JR. (Pub. No.: 20030039242) in view of Hsu (U.S. 6993363) and further in view of Amos (Pub. No.: 20040259544) and further in view of KUNG et al. (Pub No. 20030133558) further in view of Carr et al. (U.S. 6091948).

Regarding claim 47, the combination of Moore, JR., Hsu, Amos and Kung disclose all limitation in claim 3. However, the combination of Moore, JR., Hsu, Amos and Kung do not disclose the mobile communication device wherein when a user turns off the mobile communication device after redirection of calls is established, the user is queried whether to continue redirection of calls.

In an analogous art, Carr et al. disclose the mobile communication device wherein when a user turns off the mobile communication device after redirection of calls is established, the user is queried whether to continue redirection of calls (col. 10, lines 11-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Moore, JR. by specifically including disclose the mobile communication device wherein when a user turns off the mobile communication device after redirection of calls is established, the user is queried whether to continue redirection of calls, as taught by Carr et al., the motivation being in order to enable a mobile user to control call forwarding options when a user is within range of a local mobile station.

5. Claims 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, JR. (Pub. No.: 20030039242) in view of Hsu (U.S. 6993363) and further in view of Amos (Pub.

No.: 20040259544) and further in view of KUNG et al. (Pub No. 20030133558) and further in view of Byrne (U.S. 6708028).

Regarding claim 48, the combination of Moore, JR., Hsu, Amos and Kung disclose all limitation in claim 1. However, the combination of Moore, JR., Hsu, Amos and Kung do not disclose the mobile communication device wherein a user attempting to place a call using the mobile communication device is prompted to select between placing the call via the mobile telephony network or via the wireless network base station.

In an analogous art, Byrne discloses the mobile communication device wherein a user attempting to place a call using the mobile communication device is prompted to select between placing the call via the mobile telephony network or via the wireless network base station (col. 2, lines 34-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Moore, JR. by specifically including the mobile communication device wherein a user attempting to place a call using the mobile communication device is prompted to select between placing the call via the mobile telephony network or via rite wireless network base station, as taught by Byrne, the motivation being in order to enable a user of the mobile device to choose which system to use.

6. Claims 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, JR. (Pub. No.: 20030039242) in view of Hsu (U.S. 6993363) and further in view of Amos (Pub. No.: 20040259544) and further in view of KUNG et al. (Pub No. 20030133558) and further in view of Miyakoshi et al. (Pub. No.: 20020143738).

Regarding claim 49, the combination of Moore, JR., Hsu, Amos and Kung disclose all limitation in claim 1. However, the combination of Moore, JR., Hsu, Amos and Kung do not disclose the mobile communication device wherein the service request module is configured to receive a wireless access point signal including an identification associated with the wireless network base station and to determine whether the wireless network base station is a pre-selected wireless network base station based on the identification.

In an analogous art, Miyakoshi et al. disclose the mobile communication device wherein the mobile communication device wherein the service request module is configured to receive a wireless access point signal including an identification associated with the wireless network base station and to determine whether the wireless network base station is a pre-selected wireless network base station based on the identification ([0122]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Moore, JR. by specifically including the mobile communication device wherein the service request module is configured to receive a wireless access point signal including an identification associated with the wireless network base station and to determine whether the wireless network base station is a pre-selected wireless network base station based on the identification, as taught by Miyakoshi et al., the motivation being in order to indicate his/her current location more easily.

Regarding claim 50, the combination of Moore, JR., Hsu, Amos and Kung and Miyakoshi et al. disclose all limitation in claim 49. Further, Miyakoshi et al. disclose the mobile communication device wherein when the wireless network base station is determined to be a pre-

selected wireless network base station, establishing the communication path via the wireless data network protocol ([0122]).

7. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, JR. (Pub. No.: 20030039242) in view of Hsu (U.S. 6993363) and further in view of Amos (Pub. No.: 20040259544) and further in view of KUNG et al. (Pub No. 20030133558) and further in view of Miyakoshi et al. (Pub. No.: 20020143738 8) and further in view of Blatherwick et al. (U.S. 6269395).

Regarding claim 51, the combination of Moore, JR., Hsu, Amos and Kung and Miyakoshi et al. disclose all limitation in claim 49. Further, Miyakoshi et al. disclose wherein when the wireless network base station is determined to be a pre-selected wireless network base station ([0122]). However, the combination of Moore, JR., Hsu, Amos and Kung and Miyakoshi et al. do not disclose querying a user whether to establish the communication path via the wireless data network protocol.

In an analogous art, Blatherwick et al. disclose the wireless network base station is determined to be a pre-selected wireless network base station, querying a user whether to establish the communication path via the wireless data network protocol (Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Moore, JR. by specifically the wireless network base station is determined to be a pre-selected wireless network base station, querying a user whether to establish the communication path via the wireless data network protocol, as taught by

Blatherwick et al., the motivation being in order to provide a user to access to services associated with different access points if one the access point disconnects.

8. Claims 54-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, JR. (Pub. No.: 20030039242) in view of Choksi (U.S. 7171216) and further in view of Hsu (U.S. 6993363) and further in view of KUNG et al. (Pub. NO. 20030133558).

Regarding claim 54, Moore, JR. discloses a mobile communication device 100 (fig. 1 and fig. 4, mobile handset 10) comprising:

a mobile telephony circuitry 130 (see Fig. 4, transceiver 130) configured to communicate with a mobile telephony network (see Fig. 1, mobile network 30) using a mobile communication protocol (using mobile communication protocol, e.g., the iDEN Network, TDMA, CDMA, CDMA-2000, GSM, and the like) (*see fig. 1 below; [0018] to [0021]; [0029] and [0044]. Moore, JR. discloses in paragraph 29 that if the handset 10 is outside of the range of the local network 15, data traffic may be routed to and from the handset 10 via the mobile telephone network 30. Furthermore, Moore, JR. discloses in paragraph 29 that the handset 10 communicates with the mobile telephone network 30 by using mobile communication protocol, e.g., the iDEN Network, TDMA, CDMA, CDMA-2000, GSM, and the like. Additionally, Moore, JR. discloses in paragraph 44 "A transceiver 130 enabled for communication with the mobile telephone network and the VoIP telephone network is provided*"),

the mobile telephony circuitry (see Fig. 4, transceiver 130) associated with a first telephone number (*a telephone number of the mobile handset 10 via the mobile telephone*

network 30) ([0034]. Moore, JR. discloses in paragraph 34 that the handset may 10 send a command to the VoIP telephone network 25 instructing the VoIP telephone network 25 to forward incoming telephone calls to a telephone number of the mobile handset 10 via the mobile telephone network 30);

a service request module (see Fig. 4, processor 110) configured to determine proximity to a wireless network base station (Fig. 1; VoIP telephone network 20) (*see fig. 1 below, [0044]. Moore, JR. discloses that a transceiver 130 enabled for communication with the mobile telephone network and the VoIP telephone network is provided. A processor 110 is provided for determining whether the mobile handset 10 is within range of the local network. If the handset 10 is within the range of the local network, data traffic may be routed to and from the handset 10 via the VoIP telephone network*"),

the wireless network base station (*VoIP gateway)* configured for voice communication via a voice communication network (*VoIP telephone network 25) (Abstract and [0029]. Moore, JR. discloses that a VoIP gateway for the VoIP telephone network is provided. A cable modem allows communication between the handset and the VoIP telephone network via the VoIP gateway. Additionally, Moore, JR. discloses a system is provided for accessing mobile and voice over IP (VoIP) telephone networks with a mobile handset 10. A VoIP gateway 20 for the VoIP telephone network 25 is provided. A cable modem 22 allows communication between the handset 10 and the VoIP telephone network 25 via the VoIP gateway 20),*

the wireless network base station (*VoIP gateway 20)* further configured for voice communication between the mobile communication device (*the handset 10)* and the landline

telephone (*any other phones wired into the VoIP gateway 20 on that line*) associated a second telephone number (***the VoIP gateway's phone number)*** that is different than the first telephone number *([0032] to [0035] and [0054]. Moore, JR. discloses to enable the forwarding of telephone calls from the mobile telephone network 30 to the VoIP telephone network 25, the handset 10 may first request the telephone number of the VoIP gateway 20 (e.g., over local network 15), and then send a command to the mobile telephone network 30 instructing the mobile telephone network 30 to forward incoming telephone calls* ***to the telephone number of the VoIP gateway 20*** *via the VoIP telephone network 25. Furthermore, Moore, JR. discloses in paragraph 35 that once within range of the local network 15, the mobile handset 10 and the VoIP gateway 20 enter "cordless phone" mode. In this mode, the mobile handset is associated with one of the telephone numbers associated with the VoIP gateway 20. This telephone number is be the same phone number that the handset 10 instructed the mobile network to forward incoming telephone calls to. Incoming telephone calls for that phone number result in ringing of the mobile handset 10, as well as any other phones wired into the VoIP gateway 20 on that line. Calls can be received or initiated on that line with either the mobile handset 10 or the wired phones connected to that line. Incoming calls to either the mobile handset's phone number or* ***the VoIP gateway's phone number*** *will result in ringing of all phones connected to that VoIP line, including the mobile handset 10. It should be noted that, the telephone number of the mobile handset 10 via the mobile telephone network 30 is different than the telephone number of the VoIP gateway 20),*

the service request module configured to establish a communication path with the wireless network base station via a wireless data network protocol (Bluetooth.TM. wireless

network, an IEEE 802.11 protcol *)* (*see fig. 1 below; [0037], [0044] and [0054]. Moore, JR. discloses in paragraph 37 that the local network 15 may comprise at least one of a Bluetooth.TM. wireless network, an IEEE 802.11b wireless network, an IEEE 802.11a wireless network, an IEEE 802.11g wireless network, an IEEE 802.11h wireless network, an IEEE 802.11e wireless network. Moreover, Moore, JR. discloses in paragraph 54 that in accordance the invention for integrating mobile handsets with an HFC-based VoIP gateway for residential use may utilize Bluetooth.TM. wireless protocol to connect the handset 10 to the VoIP gateway 20. When the handset 10 detects the presence of a Bluetooth.TM. access point, it attempts to connect to it),*

wherein the wireless network base station (VoIP gateway 20) is configured to send a call control message to a registration system (IP Network 50, Fig. 3) associated with the mobile telephony network (mobile network 30) via a modem (cable modem 22) *(Fig. 3, [0038]-[0041]. Moore, JR. discloses that the handset 10 may dynamically assigned a new IP address on an IP subnet of the VoIP gateway 20. IP network domain name servers (DNS) 58 may be dynamically updated with a new mapping of a Fully Qualified Domain Name (DQDN) for the new IP address of the handset 10. Furthermore, Moore, JR. discloses in Figure. 5 and paragraph 52 that the mobile telephone network 30 and the VoIP network 25 may both be configured to route telephony data traffic to the PSTN network 40 and IP data traffic to the IP network 50);*

a voice conversion module (Fig. 4, gateway interface 120 and/or transceiver 130) configured to convert voice communication (calls) and data packets (IP data) to be communicated using the wireless data network protocol to the wireless network base station (VoIP telephone network 20) (*Moore, JR. discloses in paragraph 33 that the mobile handset 10*

is able to communicate telephone traffic and telephone call to and from the VoIP telephone network 25. Moreover, Moore, JR. discloses in paragraph 37 that the mobile handset 10 communicates with the VoIP telephone network 25 using wireless data network protocol, e.g., Bluetooth.TM. wireless network, an IEEE 802.11b wireless network, an IEEE 802.11a wireless network, an IEEE 802.11g wireless network, an IEEE 802.11h wireless network. Therefore, the mobile handset, a transceiver 130, is able to convert between voice communication and data packets to transmit to the wireless network base station. In addition, Moore, JR. discloses in paragraph 42 that when the mobile handset 10 is in the range of the local network 15, it performs all IP data communications via the local network 15 to the VoIP gateway 20. Furthermore, Moore, JR. discloses in paragraph 44 a gateway interface 120 is provided for communicating with a local network of a VoIP gateway of the VoIP telephone network (as shown in FIGS. 1-3). A transceiver 130 enabled for communication with the mobile telephone network and the VoIP telephone network is provided. Additionally, Moore, JR. discloses that the processor 110 may enable forwarding telephone calls from the mobile telephone network 30 to the VoIP telephone network 25 by first requesting the telephone number of the VoIP gateway 20, and then sending a command to the mobile telephone network 30 instructing the mobile telephone network 30 to forward incoming telephone calls to the telephone number of the VoIP gateway 20 via the VoIP telephone network 25. Moreover, Moore, JR. discloses in paragraph 54 that calls may be processed between the handset 10 and the VoIP Gateway 20 using the Bluetooth.TM. Cordless Phone Profile. According the passages above, Moore, JR. discloses the mobile hand 10 includes a gateway interface 120 and/or transceiver 130 (voice conversion module) configured to convert voice communication (calls) and data packets (IP data) to be

communicated using the wireless data network protocol (Bluetooth and/or wireless network) to the VoIP telephone network 25(the wireless network base station).

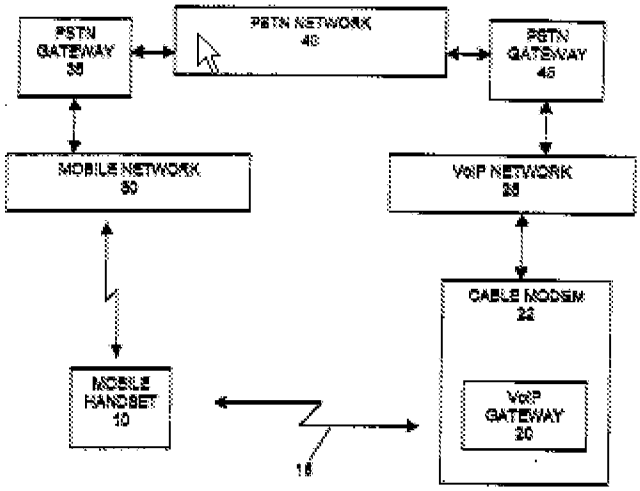

FIG. 1

However, Moore, JR. does not disclose the service request module configured to determine whether the wireless network base station is a pre-determined wireless network base station, to establish a communication path with the wireless network base station via a wireless data network protocol when the wireless network base station is a pre-determined wireless network base station, and to periodically send a session continuation request to the wireless network base station after the communication path is established to maintain the communication path, and the wireless network base station to provide a higher priority to the data packets with respects to other data packets in order to enforce a quality of service.

In an analogous art, Choksi discloses the mobile device configured to determine whether the wireless network base station (coverage area 83) is a pre-determined wireless network base station (coverage area 83 of the preferred network 82), via a wireless data network protocol when the wireless network base station is a pre-determined wireless network base station (camped on the preferred network 82) (col. 7, line 34 to col. 8, line 42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Moore, JR. by specifically including the mobile device configured to determine whether the wireless network base station (coverage area 83) is a pre-determined wireless network base station (coverage area 83 of the preferred network 82), via a wireless data network protocol when the wireless network base station is a pre-determined wireless network base station (camped on the preferred network 82), as taught by Choksi, the motivation being in order to ensure maximum call quality and allow for efficient handoff between wireless networks and cell sites.

However, the combination of Moore, JR. and Choksi do not to periodically send a session continuation request to the wireless network base station after the communication path is established to maintain the communication path, and the wireless network base station to provide a higher priority to the data packets with respects to other data packets in order to enforce a quality of service.

In an analogous art, Hsu discloses the mobile handset 5 configures to periodically send a session continuation request (keep-alive) to the wireless network base station (network 3) after

the communication path is established to maintain the communication path *(fig. 1, col. 2, lines 40-57 and col. 5, lines 10-24. Hsu discloses that the mobile station 5 registers with the network 3. Once registered, the mobile station 5 periodically sends messages to the network 3 over the uplink access channel, to maintain its registered station).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Moore, JR. by specifically including the mobile handset 5 configures to periodically send a session continuation request (keep-alive) to the wireless network base station (network 3) after the communication path is established to maintain the communication path, as taught by Hsu, the motivation being in order to inform the network that the mobile handset is still maintained its registration with the network.

However, the combination of Moore, JR., Choksi and Hsu do not disclose the wireless network base station to provide a higher priority to the data packets with respects to other data packets in order to enforce a quality of service.

In the same field of endeavor, Kung et al. disclose to provide a higher priority to the data packets with respects to other data packets in order to enforce a quality of service ([0041]. Kung et al. disclose IP packets traveling through the IP network provide for priority so that, for example, voice packets are given priority over data packets to maintain certain VoIP telephony QoS requirements).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Moore, JR. by specifically including provide a

higher priority to the data packets with respects to other data packets in order to enforce a quality of service, as taught by KUNG et al., the motivation being in order to prevent minimum delays, maintaining and increasing voice quality.

Regarding claim 55, the combination of Moore, JR., Choksi, Hsu and KUNG et al. disclose all limitation in claim 54. Further, Moore, JR. discloses the mobile communication device wherein the service request module is configured to send a call forwarding request message to the wireless network base station to be forwarded to the mobile telephony network when the wireless network base station is a pre-determined wireless network base station ([0029] to [0035]).

Regarding claim 56, the combination of Moore, JR., Choksi, Hsu and KUNG et al. disclose all limitation in claim 54. Further, Moore, JR. discloses the mobile communication device wherein the service request module is configured to send identification data to the wireless network base station after determining that the wireless network base station is a pre-determined wireless network base station ([0029] to [0035]).

Regarding claim 57, the combination of Moore, JR., Choksi, Hsu and KUNG et al. disclose all limitation in claim 54. Furthermore, Choksi discloses the mobile communication device wherein the service request module is configured to receive a home portal identification of the wireless network base station to determine whether the wireless network base station is a pre-determined wireless network base station (col. 7, line 34 to col. 8, line 42).

9. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, JR. (Pub. No.: 20030039242) in view of Choksi (U.S. 7171216) and further in view of Hsu (U.S. 6993363) and further in view of KUNG et al. (Pub. NO. 20030133558) and further in view of Yegoshim (U.S. 6711146).

Regarding claim 58, the combination of Moore, JR., Choksi, Hsu and KUNG et al. disclose all limitation in claim 54. However, the combination of Moore, JR., Choksi, Hsu and KUNG et al. do not disclose the mobile communication device wherein the service request module is adapted to prompt a user for an indication of whether to forward calls via the wireless network base station after determining that the wireless network base station is a pre-determined wireless network base station.

In an analogous art, Yegoshim discloses the mobile communication device wherein the service request module is configured to prompt a user for an indication of whether to forward calls via the wireless network base station after determining that the wireless network base station is a pre-determined wireless network base station (col. 5, lines 55-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Moore, JR. by specifically the mobile communication device wherein the service request module is adapted to prompt a user for an indication of whether to forward calls via the wireless network base station after determining that the wireless network base station is a pre-determined wireless network base station, as taught by Yegoshim, the motivation being in order to enable a user of the mobile device to choose which system to use.

10. Claims 59-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, JR. (Pub. No.: 20030039242) in view of Amos (Pub. No.: 20040259544) and further in view of KUNG et al. (Pub. NO. 20030133558).

Regarding claim 54, Moore, JR. discloses a mobile communication device 100 (fig. 1 and fig. 4, mobile handset 10) comprising:

a mobile telephony circuitry (see Fig. 4, transceiver 130) configured to communicate with a mobile telephony network (see Fig. 1, mobile network 30) using a mobile communication protocol (using mobile communication protocol, e.g., the iDEN Network, TDMA, CDMA, CDMA-2000, GSM, and the like) (*see fig. 1 below; [0018] to [0021]; [0029] and [0044]. Moore, JR. discloses in paragraph 29 that if the handset 10 is outside of the range of the local network 15, data traffic may be routed to and from the handset 10 via the mobile telephone network 30. Furthermore, Moore, JR. discloses in paragraph 29 that the handset 10 communicates with the mobile telephone network 30 by using mobile communication protocol, e.g., the iDEN Network, TDMA, CDMA, CDMA-2000, GSM, and the like. Additionally, Moore, JR. discloses in paragraph 44 "A transceiver 130 enabled for communication with the mobile telephone network and the VoIP telephone network is provided*"),

the mobile telephony circuitry (see Fig. 4, transceiver 130) associated with a first telephone number (*a telephone number of the mobile handset 10 via the mobile telephone network 30) ([0034]. Moore, JR. discloses in paragraph 34 that the handset may 10 send a command to the VoIP telephone network 25 instructing the VoIP telephone network 25 to*

forward incoming telephone calls to a telephone number of the mobile handset 10 via the mobile telephone network 30);

a service request module (see Fig. 4, processor 110) configured to determine proximity to a wireless network base station (Fig. 1; VoIP telephone network 25) (*see fig. 1 below, [0044]. Moore, JR. discloses that a transceiver 130 enabled for communication with the mobile telephone network and the VoIP telephone network is provided. A processor 110 is provided for determining whether the mobile handset 10 is within range of the local network. If the handset 10 is within the range of the local network, data traffic may be routed to and from the handset 10 via the VoIP telephone network*") associated with the landline telephone (*any other phones wired into the VoIP gateway 20 on that line*) associated with a second telephone number (***the VoIP gateway's phone number)*** that is different than the first telephone number *([0032] to [0035] and [0054]. Moore, JR. discloses to enable the forwarding of telephone calls from the mobile telephone network 30 to the VoIP telephone network 25, the handset 10 may first request the telephone number of the VoIP gateway 20 (e.g., over local network 15), and then send a command to the mobile telephone network 30 instructing the mobile telephone network 30 to forward incoming telephone calls* ***to the telephone number of the VoIP gateway 20*** *via the VoIP telephone network 25. Furthermore, Moore, JR. discloses in paragraph 35 that once within range of the local network 15, the mobile handset 10 and the VoIP gateway 20 enter "cordless phone" mode. In this mode, the mobile handset is associated with one of the telephone numbers associated with the VoIP gateway 20. This telephone number is be the same phone number that the handset 10 instructed the mobile network to forward incoming telephone calls to. Incoming telephone calls for that phone number result in ringing of the mobile handset 10, as well as any*

other phones wired into the VoIP gateway 20 on that line. Calls can be received or initiated on that line with either the mobile handset 10 or the wired phones connected to that line. Incoming calls to either the mobile handset's phone number or ***the VoIP gateway's phone number*** *will result in ringing of all phones connected to that VoIP line, including the mobile handset 10. It should be noted that, the telephone number of the mobile handset 10 via the mobile telephone network 30 is different than the telephone number of the VoIP gateway 20),*

the wireless network base station (*VoIP gateway)* configured for voice communication via a voice communication network (*VoIP telephone network 25) (Abstract and [0029]. Moore, JR. discloses that a VoIP gateway for the VoIP telephone network is provided. A cable modem allows communication between the handset and the VoIP telephone network via the VoIP gateway. Additionally, Moore, JR. discloses a system is provided for accessing mobile and voice over IP (VoIP) telephone networks with a mobile handset 10. A VoIP gateway 20 for the VoIP telephone network 25 is provided. A cable modem 22 allows communication between the handset 10 and the VoIP telephone network 25 via the VoIP gateway 20),*

the wireless network base station (*VoIP gateway 20)* further configured for voice communication between the mobile communication device (*the handset 10)* and the landline telephone (*any other phones wired into the VoIP gateway 20 on that line*) *([0032] to [0035] and [0054]. Moore, JR. discloses to enable the forwarding of telephone calls from the mobile telephone network 30 to the VoIP telephone network 25, the handset 10 may first request the telephone number of the VoIP gateway 20 (e.g., over local network 15), and then send a command to the mobile telephone network 30 instructing the mobile telephone network 30 to forward incoming telephone calls* ***to the telephone number of the VoIP gateway 20*** *via the VoIP*

telephone network 25. Furthermore, Moore, JR. discloses in paragraph 35 that once within range of the local network 15, the mobile handset 10 and the VoIP gateway 20 enter "cordless phone" mode. In this mode, the mobile handset is associated with one of the telephone numbers associated with the VoIP gateway 20. This telephone number is be the same phone number that the handset 10 instructed the mobile network to forward incoming telephone calls to. Incoming telephone calls for that phone number result in ringing of the mobile handset 10, as well as any other phones wired into the VoIP gateway 20 on that line. Calls can be received or initiated on that line with either the mobile handset 10 or the wired phones connected to that line. Incoming calls to either the mobile handset's phone number or ***the VoIP gateway's phone number*** *will result in ringing of all phones connected to that VoIP line, including the mobile handset 10. It should be noted that, the telephone number of the mobile handset 10 via the mobile telephone network 30 is different than the telephone number of the VoIP gateway 20),*

the service request module configured to establish a communication path via a wireless data network protocol (Bluetooth.TM. wireless network, an IEEE 802.11 protcol *)* (*see fig. 1 below; [0037], [0044] and [0054]. Moore, JR. discloses in paragraph 37 that the local network 15 may comprise at least one of a Bluetooth.TM. wireless network, an IEEE 802.11b wireless network, an IEEE 802.11a wireless network, an IEEE 802.11g wireless network, an IEEE 802.11h wireless network, an IEEE 802.11e wireless network. Moreover, Moore, JR. discloses in paragraph 54 that in accordance the invention for integrating mobile handsets with an HFC-based VoIP gateway for residential use may utilize Bluetooth.TM. wireless protocol to connect the handset 10 to the VoIP gateway 20. When the handset 10 detects the presence of a Bluetooth.TM. access point, it attempts to connect to it),*

wherein the wireless network base station (VoIP gateway 20, Fig. 3) is configured to send a call control message to a registration system (IP Network 50, Fig. 3) associated with the mobile telephony network (mobile network 30) via a modem (cable modem 22) *(Fig. 3, [0038]-[0041]. Moore, JR. discloses that the handset 10 may dynamically assigned a new IP address on an IP subnet of the VoIP gateway 20. IP network domain name servers (DNS) 58 may be dynamically updated with a new mapping of a Fully Qualified Domain Name (DQDN) for the new IP address of the handset 10. Furthermore, Moore, JR. discloses in Figure. 5 and paragraph 52 that the mobile telephone network 30 and the VoIP network 25 may both be configured to route telephony data traffic to the PSTN network 40 and IP data traffic to the IP network 50);*

a voice conversion module (Fig. 4, gateway interface 120 and/or transceiver 130) configured to convert voice communication (calls) and data packets (IP data) to be communicated using the wireless data network protocol to the wireless network base station (VoIP telephone network 20) (*Moore, JR. discloses in paragraph 33 that the mobile handset 10 is able to communicate telephone traffic and telephone call to and from the VoIP telephone network 25. Moreover, Moore, JR. discloses in paragraph 37 that the mobile handset 10 communicates with the VoIP telephone network 25 using wireless data network protocol, e.g., Bluetooth.TM. wireless network, an IEEE 802.11b wireless network, an IEEE 802.11a wireless network, an IEEE 802.11g wireless network, an IEEE 802.11h wireless network. Therefore, the mobile handset, a transceiver 130, is able to convert between voice communication and data packets to transmit to the wireless network base station. In addition, Moore, JR. discloses in paragraph 42 that when the mobile handset 10 is in the range of the local network 15, it performs all IP data communications via the local network 15 to the VoIP gateway 20.*

Furthermore, Moore, JR. discloses in paragraph 44 a gateway interface 120 is provided for communicating with a local network of a VoIP gateway of the VoIP telephone network (as shown in FIGS. 1-3). A transceiver 130 enabled for communication with the mobile telephone network and the VoIP telephone network is provided. Additionally, Moore, JR. discloses that the processor 110 may enable forwarding telephone calls from the mobile telephone network 30 to the VoIP telephone network 25 by first requesting the telephone number of the VoIP gateway 20, and then sending a command to the mobile telephone network 30 instructing the mobile telephone network 30 to forward incoming telephone calls to the telephone number of the VoIP gateway 20 via the VoIP telephone network 25. Moreover, Moore, JR. discloses in paragraph 54 that calls may be processed between the handset 10 and the VoIP Gateway 20 using the Bluetooth.TM. Cordless Phone Profile. According the passages above, Moore, JR. discloses the mobile hand 10 includes a gateway interface 120 and/or transceiver 130 (voice conversion module) configured to convert voice communication (calls) and data packets (IP data) to be communicated using the wireless data network protocol (Bluetooth and/or wireless network) to the VoIP telephone network 25(the wireless network base station).

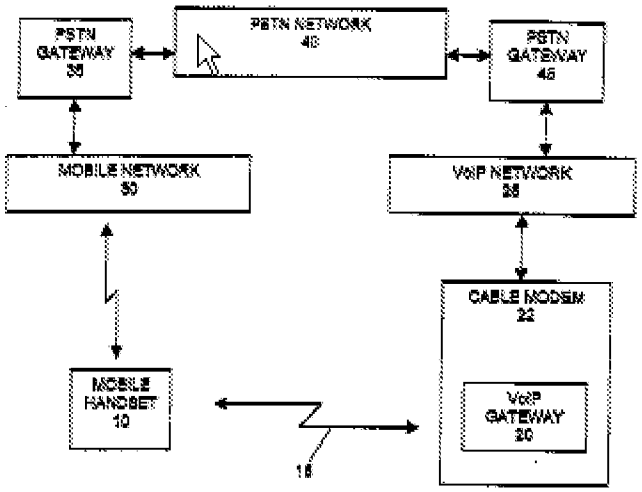

FIG. 1

However, Moore, JR. does not disclose a power supply controller adapted to power down the service request module when the mobile communication device is not in proximity to the wireless network base station, and the wireless network base station to provide a higher priority to the data packets with respects to other data packets in order to enforce a quality of service.

In the same field of endeavor, Amos discloses a handset 100 (fig. 3) includes a power supply controller 106 (fig. 1, phone microprocessor) adapted to power down the service request module 104 (fig. 1, Bluetooth 104) when the mobile communication device 100 is not in proximity to the wireless network base station (base station 200) (fig. 3, [0039]. Amos discloses "The loss of the Bluetooth link at 412 transfers the wireless handset 100 state from Bluetooth 404 to an 802.11 use state 406. The wireless handset 100 will remain in the 802.11 use state 406 provided that voice data traffic continues 410 to be received").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Moore, JR. by specifically including a handset 100 (fig. 3) includes a power supply controller 106 (fig. 1, phone microprocessor) adapted to power down the service request module 104 (fig. 1, Bluetooth 104) when the mobile communication device 100 is not in proximity to the wireless network base station (base station 200), as taught by Amos, the motivation being in order to save extend lifetime of a battery and save network's resources.

However, the combination of Moore, JR. and Amos do not disclose the wireless network base station to provide a higher priority to the data packets with respects to other data packets in order to enforce a quality of service.

In the same field of endeavor, Kung et al. disclose to provide a higher priority to the data packets with respects to other data packets in order to enforce a quality of service ([0041]. Kung et al. disclose IP packets traveling through the IP network provide for priority so that, for example, voice packets are given priority over data packets to maintain certain VoIP telephony QoS requirements).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Moore, JR. by specifically including provide a higher priority to the data packets with respects to other data packets in order to enforce a quality of service, as taught by KUNG et al., the motivation being in order to prevent minimum delays, maintaining and increasing voice quality.

Regarding claim 60, the combination of Moore, JR., Amos and KUNG et al. disclose all limitation in claim 59. Further, Amos discloses the mobile communication device wherein the power supply controller is manually switchable to selectively control power to the service request module or to the mobile telephony circuitry ([0009]).

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Dai A Phuong/
Examiner, Art Unit 2617
Date: 10/26/2010